

3614. Adulteration and misbranding of corn and olive oil. U. S. v. 23 Cans and 44 Cans of Corn Oil and Olive Oil. Default decrees of condemnation. Portion ordered destroyed; remainder ordered delivered to a charitable institution. (F. D. C. Nos. 6850, 6952. Sample Nos. 84195-E, 84660-E.)

Analysis showed that this product consisted essentially of artificially colored cottonseed oil or corn oil with some cottonseed oil and containing but a small amount of, if any, olive oil. One lot contained an uncertified coal-tar-dye.

On February 13 and March 4, 1942, the United States attorney for the District of New Jersey filed libels against 67 gallon cans of corn and olive oil at New Brunswick, N. J., alleging that the article had been shipped in interstate commerce on or about September 19 and December 19, 1941, by P. (or Pietro) Esposito from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "La Gloriosa Brand Composed of Corn Oil and Pure Olive Oil Distributed by Italo Olive Oil Importer New York, New York."

The article was alleged to be adulterated (1) (23 cans) in that artificially colored corn oil with some cottonseed oil and a small amount of olive oil had been substituted in whole or in part for corn oil and pure olive oil; (2) (44 cans) in that artificially colored cottonseed oil containing a small amount of olive oil and little, if any, corn oil had been substituted in whole or in part for corn oil and pure olive oil; (3) (all cans) in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added to the article so as to make it appear better or of greater value than it was; and (4) (23 cans only) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

Misbranding was alleged (1) in that statements in the labeling, "Composed of Corn Oil and Pure Olive Oil," were false and misleading; (2) in that the labels contained representations in a foreign language (Italian) and the information required by the act to appear on the label, i. e., a statement of the quantity of the contents and the common or usual name of each ingredient did not appear on the labels in the said foreign language; (3) in that it contained artificial coloring and did not bear labeling stating that fact; and (4) in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient.

On April 29 and May 1, 1942, no claimant having appeared, judgments of condemnation were entered and it was ordered that a portion of the product be destroyed and that the remainder be delivered to a charitable institution.

3615. Adulteration and misbranding of oil. U. S. v. 59 Cans and 17 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6951. Sample Nos. 84658-E, 84659-E.)

This product was artificially flavored and artificially colored cottonseed oil containing little, if any, corn oil and simulating olive oil in appearance and odor.

On March 4, 1942, the United States attorney for the District of New Jersey filed a libel against 76 cans of cottonseed and corn oil at New Brunswick, N. J., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by the Italo Olive Oil Importer from New York, N. Y.; and charging adulteration and misbranding. It was labeled in part: "Gioiosa Brand Pure Oil" or "Pure Edible Oil Luca Brand."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored cottonseed oil containing little if any corn oil had been substituted wholly or in part for cottonseed and corn oil, with flavor, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and artificial flavor; and (3) in that artificial color and artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Cottonseed and corn oil with Flavor," borne on the label, was false and misleading as applied to artificially flavored and artificially colored cottonseed oil containing little, if any, corn oil; (2) in that it was an imitation of another food, namely, corn oil, and it failed to bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the food imitated; (3) in that the name and place of business of the distributor, the common or usual name of the food, and the declaration of artificial flavoring and coloring required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling as to render them likely to be read by the ordinary individual under customary